

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARRINGTON GRAY,

Plaintiff,

-against-

NASSAU COUNTY SHERIFF DZURENDA, et al.

Defendants.

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AZRACK, United States District Judge:

For Online Publication Only

ORDER

20-CV-02865 (JMA)(AYS)

**FILED
CLERK**

8/14/2020 1:44 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Incarcerated pro se plaintiff Barrington Gray (“plaintiff”) filed a complaint on June 29, 2020, but did not remit the filing fee nor did he file an application to proceed in forma pauperis and the required Prisoner Litigation Authorization form (“PLRA”). Accordingly, by Notice of Deficiency, also dated June 29, 2020, plaintiff was instructed within fourteen (14) days to either remit the \$400.00 filing fee or complete and return the enclosed in forma pauperis application and PLRA form. To date, plaintiff has not complied with the Notice, nor has he otherwise communicated with the Court about this case.¹ Accordingly, it appears that plaintiff is no longer interested in pursuing this case. In an abundance of caution and in light of the national emergency caused by the COVID-19 pandemic, plaintiff is instructed to either remit the filing fee or file an application to proceed in forma pauperis and the PLRA form by September 1, 2020. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of his complaint without prejudice and this case will be closed.

¹ The Court notes that plaintiff filed another, similar case on June 10, 2020 that appears to allege the same claims against several of the same defendants. See Gray v. Nassau County Jail, et al., 20-CV-2585(JMA)(AYS). In that case, plaintiff has responded to the Court’s notices and has cured the deficiencies by filing an application to proceed in forma pauperis and the PLRA form. Thus, it appears that plaintiff has abandoned this case in favor of pursuing his claims in the other docket, 20-CV-2858.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk of Court shall mail a copy of this Order to plaintiff at his last known address.

SO ORDERED.

Dated: August 14, 2020
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE